

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

WISCONSIN CARPENTERS PENSION FUND, et al.,
Plaintiffs,

v.

Case No. 06-CV-1139

PRECISION STRUCTURES, INC.,
Defendant.

ORDER

On August 10, 2007, the court entered a Scheduling Order following a hearing on a motion to withdraw as counsel filed by counsel for the defendant. The court granted the motion, effective August 31, 2007, at which time the defendant's new counsel was to file an appearance. If an appearance was filed, the court scheduled a status conference for September 26, 2007, to discuss further scheduling. In the alternative, i.e. if substitute counsel was not retained, the court set a briefing schedule on plaintiff's motion for default judgment, ordering a response by September 14, 2007 and any reply by September 21, 2007.

On September 13, 2007, a Notice of Appearance was filed by Attorney Michael Whitcomb for the defendant along with an "Ex Parte Application to Extend the time for Defendant to Respond to Plaintiff's Motion for Default Judgment."

The affidavit of the defendant's representative states that his intent was to retain Attorney Daniel Parks but was unable to reach Attorney Parks (for reasons unclear) until August 30th, at which time the defendant made available the documents currently on the record. Then, on September 11, Attorney Parks declined representation of the defendant, which lead to Attorney Whitcomb ultimately being retained, and thus, the request for an extension of time to respond, of 30 days.

Additionally, in his application for an extension, Attorney Whitcomb indicates that the parties have reached an agreement in principle and are preparing settlement documents. The contemplated settlement envisions payment of the agreed-upon amount by the end of 2007. Attorney Whitcomb also indicates that plaintiffs' counsel will oppose the extension request, but no opposition to the motion for extension has been filed.

In view of the fact that counsel now appears for the defendant, the court will proceed with the telephone status conference set for **September 26, 2007 at 8:30 a.m.** At that time, the court will discuss the current status of this case with counsel, including the possible settlement and the pending motion for default judgment, including an extension of time within which to respond.

NOW THEREFORE, IT IS ORDERED that the defendant's motion for an extension of time is **denied** without prejudice.

Dated at Milwaukee, Wisconsin, this 18th day of September, 2007.

BY THE COURT:

s/AARON E. GOODSTEIN
United States Magistrate Judge